

FILED

JUN 13 2013

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

Clerk, U.S. District Court
District Of Montana
Missoula

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MALCOLM A. GOOD BIRD,

Defendant.

CR 09-72-GF-DLC-RKS

ORDER

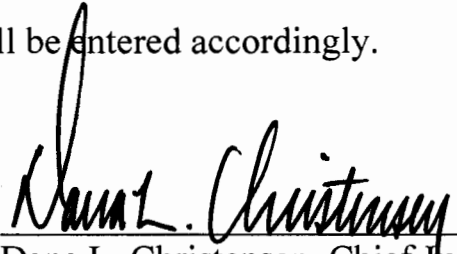
This case was referred to United States Magistrate Judge Keith Strong for a revocation hearing and findings and recommendations. Judge Strong entered findings and recommendations on May 20, 2013. He found that Defendant violated the following conditions of his supervised release: the preamble to the standard conditions by receiving a citation for driving under the influence of alcohol; standard condition number 3 by failing to maintain weekly contact with his probation officer; standard condition number 6 by changing his place of residence without providing notice to his probation officer; special condition number 2 by failing to participate in substance abuse treatment; and special condition number 4 by consuming alcohol. Judge Strong recommends that this

Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of 6 months, to be followed by 30 months supervised release. No objections have been filed by either party, and Judge Strong's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Strong's finding that Defendant violated the above-enumerated five conditions of his supervised release. Defendant admitted to the violations and allocuted before Judge Strong. Judge Strong is also correct that the United States Sentencing Guidelines call for 3 to 9 months imprisonment, and a term of supervised release up to 3 years less any custodial time imposed. This Court agrees that a sentence of 6 months custody followed by 30 months supervised release is appropriate. Judge Strong's recommendations will be adopted in full.

IT IS ORDERED that Judge Strong's Findings and Recommendations (doc. 35) are ADOPTED in full and Judgment shall be entered accordingly.

Dated this 13th day of June, 2013.



Dana L. Christensen, Chief Judge
United States District Court